

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THEODORE THOMAS

§

VS.

§

CIVIL ACTION NO. 9:15cv59

JACK SINZ

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Theodore Thomas, proceeding *pro se*, filed the above-styled civil rights action against Jack Sinz. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the case be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in light of the record and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The Magistrate Judge correctly concluded that the defendant, a county court judge, is entitled to judicial immunity.¹

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

¹ In his complaint, plaintiff stated that he was seeking damages. In his objections, plaintiff states that judicial immunity would not bar his request for prospective injunctive relief. Absolute judicial immunity does not bar prospective relief against a judicial officer. *Pullam v. Allen*, 466 U.S. 522 (1984). Plaintiff does not specify what prospective injunctive relief he seeks. However, even if it is assumed that a request for prospective injunctive relief has been properly pled, plaintiffs generally lack standing to seek prospective relief against judges because the likelihood of a future encounter with the judge is speculative. *Society of Separationists, Inc v. Herman*, 959 F.2d 1283, 1286 (5th Cir. 1992).

ADOPTED as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

SIGNED this 6th day of November, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE